

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA ROCHA,
Plaintiff,

v.

TARA K BAILEY, et al.,
Defendants.

Case No. 24-cv-04774-VC

**ORDER RE MOTION TO
DISQUALIFY JUDGE**

Re: Dkt. No. 16

Before the second motion to remand was granted, the defendants filed a motion to disqualify the undersigned judge. Because the Clerk's Office did not place the motion on the docket until several days after it was filed, the undersigned judge did not receive it before issuing the ruling on the remand motion. Had the undersigned judge received the motion to disqualify before ruling on the remand motion, the motion to disqualify would have been denied. California Code of Civil Procedure Section 170.6(a) entitles litigants in state court to disqualify judges without stating a reason, but this provision does not apply in federal court. For this reason, the motion to disqualify was legally defective and would not have been referred under the Northern District of California's Civil Local Rule 3-14 to another judge for decision. Nor did the defendants identify any legitimate reason for disqualification in their motion. The motion is denied.

IT IS SO ORDERED.

Dated: August 28, 2024



VINCE CHHABRIA
United States District Judge